

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

TIMOTHY HOLDEN and
KEVA HOLDEN,

Plaintiffs,

v.

SECURE CARE, INC.,

Defendant.

Case No: 04-10359
Honorable David M. Lawson

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Presently before the Court is the report issued on November 18, 2005 by Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b)(1)(B), recommending that this Court grant the defendant's motion for summary judgment. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the Magistrate Judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 48] is **ADOPTED**, and the defendant's motion for summary judgment [dkt # 45] is **GRANTED**.

s/ David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: December 15, 2005

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 15, 2005.

s/Tracy A. Jacobs
TRACY A. JACOBS